

STATE BAR COURT OF CALIFORNIA
HEARING DEPARTMENT - SAN FRANCISCO

In the Matter of)	Case Nos.: 12-C-17460-LMA
)	12-C-17461; 13-C-13848 (Cons.)
PATRICIA JAMIE DORAN,)	
)	DECISION AND ORDER OF
Member No. 65662,)	INVOLUNTARY INACTIVE
)	ENROLLMENT
A Member of the State Bar.)	

Respondent Patricia Jamie Doran (respondent) was convicted in three separate criminal matters. Her convictions included violating Vehicle Code sections 23152(b) (driving under the influence (DUI) with a blood alcohol content (BAC) of 0.08% or more), a misdemeanor; 14601.2, subdivision (a) (knowingly driving on a suspended license), a misdemeanor; 14601.5, subdivision (a) (knowingly driving on a suspended license), a misdemeanor; 23152, subdivision (a) (driving under the influence), a misdemeanor; and Penal Code section 647, subdivision (f) (public intoxication), a misdemeanor. Upon finality of the convictions, the review department issued orders referring these matters to the hearing department for a hearing and decision recommending the discipline to be imposed if the facts and circumstances surrounding the violations involved moral turpitude or other misconduct warranting discipline. Respondent failed to participate either in person or through counsel, and her default was entered. The State Bar filed a petition for disbarment under rule 5.85 of the Rules of Procedure of the State Bar.¹

¹ Unless otherwise indicated, all references to rules are to this source. Rule 5.345(C) makes the default procedures in rules 5.80-5.86, with certain exceptions, applicable in conviction proceedings. The Rules of Procedure regarding defaults, rules 5.80 through 5.86, were revised,

Rule 5.85 provides the procedure to follow when an attorney fails to participate in a disciplinary proceeding after receiving adequate notice and opportunity. The rule provides that if an attorney's default is entered for failing to respond to the notice of hearing on conviction, and the attorney fails to have the default set aside or vacated within 180 days, the State Bar will file a petition requesting the court to recommend the attorney's disbarment.²

In the instant case, the court concludes that the requirements of rule 5.85 have been satisfied, and therefore, grants the petition and recommends that respondent be disbarred from the practice of law.

FINDINGS AND CONCLUSIONS

Respondent was admitted to the practice of law in California on December 18, 1975, and has been a member of the State Bar of California at all times since that date.

Procedural Requirements Have Been Satisfied

On October 30, 2013, the State Bar Court filed and properly served two notices of hearing on conviction (for case Nos. 12-C-17460 and 12-C-17461) on respondent by certified mail, return receipt requested, at her membership records address. The two notices of hearing on conviction notified respondent that her failure to participate in the proceeding would result in a disbarment recommendation. (Rule 5.345.) Each of the two mailings was returned to the State Bar Court; each bore a label marked "RETURN TO SENDER NOT DELIVERABLE AS ADDRESSED UNABLE TO FORWARD."

effective July 1, 2014. As the default in this case was entered prior to July 1, 2014, the court, in the interest of justice, will apply former rules 5.80 through 5.86 of the Rules of Procedure of the State Bar, which were in effect from January 1, 2011 through June 30, 2014, to this case.

² If the court determines that any due process requirements are not satisfied, including adequate notice to the attorney, it must deny the petition for disbarment and take other appropriate action to ensure that the matter is promptly resolved. (Rule 5.85(E)(2).)

On November 13, 2013, the State Bar Court filed and properly served the notice of hearing on conviction (NOH) for case No. 13-C-13848 on respondent by certified mail, return receipt requested, at her membership records address.³ The NOH notified respondent that her failure to participate in the proceeding would result in a disbarment recommendation. (Rule 5.345.) The NOH was returned to the State Bar Court bearing a label marked “RETURN TO SENDER ATTEMPTED – NOT KNOWN UNABLE TO FORWARD.

On November 15, 2013, Deputy Trial Counsel Tammy Albertsen-Murray (the DTC) attempted to reach respondent by contacting her by email. Later that same evening, the DTC was able to reach respondent by phone and spoke with her. The DTC verified respondent’s email address and phone number, and sent a follow-up email to respondent. The DTC informed respondent of the date, time and location of the November 25, 2013 hearing, and the importance of attending that hearing and responding to the notices of hearing on conviction. Respondent did not appear at the November 25, 2014 hearing.

Respondent failed to respond to the three notices of hearing on conviction. On December 27, 2013, the State Bar properly filed and served a motion for entry of respondent’s default. The motion complied with all the requirements for a default, including a supporting declaration of reasonable diligence by the State Bar deputy trial counsel, Catherine Taylor, declaring the additional steps taken to provide notice to respondent. (Rule 5.80.) The motion also notified respondent that if she did not timely move to set aside her default, the court would recommend her disbarment. Respondent did not file a response to the motion, and her default was entered on January 14, 2014. The order also placed respondent on involuntary inactive status under

³Subsequently, on November 25, 2013, by order of the court, case Nos. 12-C-17460, 12-C-17461, and 13-C-13848 were consolidated.

Business and Professions Code section 6007, subdivision (e), effective three days after service of the order, and she has remained inactively enrolled since that time.⁴

Respondent did not seek to have her default set aside or vacated. (Rule 5.83(C)(1) [attorney has 180 days to file motion to set aside default].) On July 21, 2014, the State Bar filed and served a petition for disbarment. As required by rule 5.85(A), the State Bar reported in the petition that (1) respondent has not contacted the State Bar since her default was entered on January 14, 2014; (2) respondent has no other disciplinary matters pending; (3) respondent has no prior record of discipline; and (4) the Client Security Fund has not made any payments resulting from respondent's conduct. Respondent did not respond to the petition for disbarment or move to set aside or vacate the default. The case was submitted for decision on August 18, 2014.

The Admitted Factual Allegations Warrant the Imposition of Discipline

Upon entry of respondent's default, the factual allegations set forth in the State Bar's statement of facts and circumstances surrounding respondent's convictions are deemed admitted and no further proof is required to establish the truth of such facts. (Rules 5.345(C) & 5.82.) As set forth below in greater detail, respondent's convictions support the conclusion that respondent violated a statute, rule, or court order that would warrant the imposition of discipline. (Rule 5.85(E)(1)(d).)

1. Case Number 12-C-17460

On November 15, 2009, a police officer with the Tiburon Police Department observed respondent driving. He noticed that she was traveling at a slow speed, approximately 10 miles

⁴ The order of entry of default and enrolling respondent inactive was properly served on respondent on January 14, 2014, at her membership records address by certified mail, return receipt requested. The mailing was returned to the court bearing a label, which said, "RETURN TO SENDER UNDELIVERABLE AS ADDRESSED UNABLE TO FORWARD."

per hour and drifting into the opposite lane. The officer observed the violation three times before making a traffic stop. Upon contact, respondent admitted to having had two glasses of wine. The officer noticed the objective symptoms of intoxication and had respondent perform field sobriety tests. Based on the officer's observations, respondent was arrested for driving under the influence of alcohol. Test results showed that respondent's blood alcohol content was .26%, i.e., more than three times the legal limit.

On December 2, 2009, a complaint was filed alleging several violations of the Vehicle Code. Respondent thereafter plead guilty to one count of violating Vehicle Code section 23152, subdivision (b) (DUI with BAC of 0.08% or more) and was found guilty on that count. Respondent was placed on three years' probation, which included a requirement that she "lead a law-abiding life."

Driving under the influence with a BAC of 0.08% or more is a crime that may or may not involve moral turpitude or other misconduct warranting discipline, depending upon the facts and circumstances surrounding the conviction. The court finds that the facts and circumstances surrounding respondent's conviction do not involve moral turpitude, but do constitute other misconduct warranting discipline. Conviction of a crime involving other misconduct warranting discipline is grounds for discipline. (*Young v. State Bar* (1990) 50 Cal.3d 1204.)

2. Case Number 12-C-17461

On May 13, 2010, respondent was arrested for driving on a suspended license and driving with a blood alcohol content of .01% or greater, while on probation. On August 8, 2011, respondent pled guilty to three counts of violating Vehicle Code 14601.2(a). (driving with a suspended/revoked license), misdemeanors, by knowingly driving after her license had been suspended under Vehicle Code section 23152. On August 8, 2011, respondent pled guilty to three counts of violating Vehicle Code section 14601.2(a), driving after her license had been

suspended under Vehicle Code section 23152, misdemeanors, and was found guilty of said violations.

On May 14, 2010, respondent was arrested for violating Vehicle Code section 14601.5(a) for driving with suspended/revoked license while on a DUI probation, a misdemeanor. On August 8, 2011, respondent pled guilty to three counts of violating Vehicle Code section 14601.5(a), driving with a suspended license while on a DUI probation, misdemeanors, and was found guilty the violations.

On July 26, 2010, respondent was arrested for driving on a suspended license with a blood alcohol concentration of .01% or greater while on probation, as well as for engaging in an “unsafe turning movement.” Respondent’s blood alcohol content was .13% at 11:00 a.m. on that date. Thereafter, on August 8, 2011, respondent pled guilty to one count of violating Vehicle Code section 23152(b), driving with a blood alcohol content of greater than 0.08%, a misdemeanor, and was found guilty of said violation.

Knowingly driving after suspension for conviction under Vehicle Code section 23152, knowingly driving while on a DUI suspension and driving under the influence with a blood alcohol content of greater than 0.08% are crimes that may or may not involve moral turpitude or other misconduct warranting discipline, depending upon the facts and circumstances surrounding the conviction. The court finds that the facts and circumstances surrounding respondent’s convictions do not involve moral turpitude, but do constitute other misconduct warranting discipline. Conviction of a crime involving other misconduct warranting discipline is grounds for discipline. (*Young v. State Bar* (1990) 50 Cal.3d 1204.)

3. Case Number 13-C-13848

On January 31, 2011, Tiburon police responded to a complaint from the Boardwalk Market where respondent was lying on the walkway at 11:00 a.m., obviously drunk. Respondent

had a grocery bag next to her which contained four small (187 ml) bottles of white wine, one of which was empty. Next to her were four similar, but empty 187 milliliter wine bottles.

Respondent denied having consumed alcohol "recently." Respondent was uncooperative and was arrested for public intoxication.

Respondent was charged with violating Penal Code section 647, subdivision (f) (public intoxication), a misdemeanor. Respondent was convicted of violating Penal Code section 647, subdivision (f) (public intoxication), as a result of her public intoxication.

Public intoxication is a crime that may or may not involve moral turpitude or other misconduct warranting discipline, depending upon the facts and circumstances surrounding the conviction. The court finds that the facts and circumstances surrounding respondent's conviction do not involve moral turpitude, but do constitute other misconduct warranting discipline.

Conviction of a crime involving other misconduct warranting discipline is grounds for discipline. (*Young v. State Bar* (1990) 50 Cal.3d 1204.)

Disbarment is Recommended

Based on the above, the court concludes that the requirements of rule 5.85(E) have been satisfied, and respondent's disbarment is recommended. In particular:

(1) the notices of hearing on conviction were properly served on respondent under rule 5.25;

(2) reasonable diligence was used to notify respondent of the proceedings prior to the entry of her default, as she was properly served with the notices of hearing on conviction, was sent emails from the State Bar, which she received, and had actual notice of the proceedings in that a deputy trial counsel assigned to the matter reached respondent by phone and provided her with information regarding the matter, including the need to respond to the notices of hearing on conviction and the consequences of a failure to do so. The DTC specifically informed

respondent that a motion for entry of default would be filed unless she responded to the notices of hearing on conviction and the consequences that could result if respondent did not respond to the motion for default;

(3) the default was properly entered under rule 5.80; and

(4) the factual allegations in the statement of facts and circumstances surrounding respondent's convictions deemed admitted by the entry of the default, support a finding that respondent violated a statute, rule or court order that would warrant the imposition of discipline.

Despite adequate or actual notice and opportunity, respondent failed to participate in this consolidated disciplinary proceeding. As set forth in the Rules of Procedure of the State Bar, the court recommends disbarment.

RECOMMENDATION

Disbarment

The court recommends that respondent Patricia Jamie Doran be disbarred from the practice of law in the State of California and that her name be stricken from the roll of attorneys.

California Rules of Court, Rule 9.20

The court also recommends that respondent be ordered to comply with the requirements of California Rules of Court, rule 9.20, and to perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the effective date of the Supreme Court order in this proceeding.

Costs

The court further recommends that costs be awarded to the State Bar in accordance with Business and Professions Code section 6086.10, such costs being enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

ORDER OF INVOLUNTARY INACTIVE ENROLLMENT

In accordance with Business and Professions Code section 6007, subdivision (c)(4), the court orders that Patricia Jamie Doran, State Bar number 65662, be involuntarily enrolled as an inactive member of the State Bar of California, effective three calendar days after the service of this decision and order. (Rule 5.111(D).)

Dated: November ____, 2014

LUCY ARMENDARIZ
Judge of the State Bar Court